


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) CS22492US						
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [(37 CFR 1.8(a))].</p> <p>on: _____</p> <p>Signature _____</p> <p style="text-align: center;"><u>JULIE EDWARDS</u></p> <p><small>Typed or printed name</small></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Application Number 10/630,124</td> <td style="padding: 5px;">Filed 07/30/2003</td> </tr> <tr> <td colspan="2" style="padding: 5px;">First Named Inventor DAVID R. HAUB</td> </tr> <tr> <td style="padding: 5px;">Art Unit 2618</td> <td style="padding: 5px;">Examiner TRAN, PABLO N.</td> </tr> </table>		Application Number 10/630,124	Filed 07/30/2003	First Named Inventor DAVID R. HAUB		Art Unit 2618	Examiner TRAN, PABLO N.
Application Number 10/630,124	Filed 07/30/2003							
First Named Inventor DAVID R. HAUB								
Art Unit 2618	Examiner TRAN, PABLO N.							
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheets(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p><input type="checkbox"/> applicant inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>39,633</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34: _____</p> </div> <div style="width: 50%; text-align: center;">  _____ Signature <u>SYLVIA CHEN</u> _____ Typed or printed name <u>847-523-1096</u> _____ Telephone number <u>30 JUN 2006</u> _____ Date </div> </div>								

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: HAUB et al. ART UNIT: 2618
APPLN. NO.: 10/630,124 EXAMINER: Pable N. Tran
FILED: 07/30/2003 DOCKET NO.: CS22492US
TITLE: CURRENT REDUCTION BY DYNAMIC RECEIVER ADJUSTMENT
 IN A COMMUNICATON DEVICE

REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully submits that the Examiner's May 3, 2006 Final Office Action omits one or more essential elements needed for a prima facie rejection as well as contains a clear error because one or more limitations are not met by the cited references. Claims 1-9 and 19-23 stand rejected under 35 U.S.C. § 102(e) over US 2004/0038656 (McCall). McCall seeks to reduce distortion in a receiver by adjusting amplifier linearity using a proposed step of "measure difference of AGC receiver power & distortion level setpoint." See McCall FIG. 3 step 310 and accompanying text at paragraph [0038], FIG. 4 step 410 and accompanying text at paragraph [0041], and FIG. 5 step 510 and accompanying text at paragraph [0044]. Nowhere does McCall show or suggest "determining a frequency offset of the interference" as recited in independent claims 1 and 19 of the pending patent application. Thus, the Final Office Action omits one or more essential elements needed for a prima facie rejection.

The Examiner responds to the Applicant's February 16, 2006 Remarks by noting that "distortion in a receiver may have several causes, such as interfering signals at certain frequency offsets (see McCall [0003])." While this is true, McCall does not discuss or suggest "determining a frequency offset of the interference" as recited in

claims 1 and 19. In fact, McCall instead suggests measuring the power of the received signal and a distortion setpoint metric. See McCall paragraph [0038]. Neither the power measurement nor the distortion setpoint metric of McCall is equivalent to the “frequency offset of the interference” recited in independent claims 1 and 19. Thus, the Final Office Action also contains a clear error because one or more limitations are not met by the cited reference.

Conclusion

Reconsideration and withdrawal of the rejection of claims 1-9 and 19-23 under 35 U.S.C. § 102(e) as being unpatentable in view of McCall is respectfully requested. Because independent claims 1 and 19 were not properly rejected, the rejection of the dependent claims should also be withdrawn.

S U M M A R Y

The application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicants’ representative at the telephone number indicated below.

Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicants' representative at the telephone number indicated below.

Please charge any fees associated herewith, including extension of time fees, to **Deposit Account 502117**.

Respectfully submitted,

Please send correspondence to:
Motorola, Inc.
Intellectual Property Dept. (SYC)
600 North U.S. Highway 45, AN475
Libertyville, IL 60048
Customer Number: 20280

By: <u>/Sylvia Chen/</u>	<u>2006JUNE30</u>
Sylvia Chen	Date
Attorney for Applicants	
Registration No. 39,633	
Tel. No. (847) 523-1096	
Fax No. (847) 523-2350	
Email: <u>Sylvia.Chen@motorola.com</u>	